

January 20, 2010

**REQUEST FOR PROPOSAL FOR DRUG SCREENING SERVICES  
FOR THE CITY OF BIRMINGHAM 10-12**

The City of Birmingham is soliciting proposals from qualified providers in response to this (RFP) to provide Department of Transportation (DOT) and non- Department of Transportation (DOT) alcohol and drug collection and testing services, for the City of Birmingham.

The intent of this RFP is to select a firm for the procurement of drug screening services as contained in this document.

Provider's wishing to submit a proposal can download the complete solicitation via the internet at [www.birminghamal.gov](http://www.birminghamal.gov) (go to the link titled **Bidding Opportunities**), or by visiting the Purchasing Office at the address shown above, or by calling (205) 254-2265, fax (205) 254-2484 and requesting a copy be mailed to you. Any addenda will be available on the internet, and mailed to only those vendors who were provided a copy in person or by mail.

Each provider must submit with his/her proposal a bond in the form of either a certified check, cashier's check, proposal bond, certificate of deposit or other form of security deemed acceptable by the City at its sole discretion. This proposal bond should be payable to the City of Birmingham and should be in the amount of \$500.00. In order for your proposal to be considered, it must be accompanied by an acceptable proposal bond. Once an award is made, the proposal bond will be returned unless we attempt to make an award to your company and you fail to accept the award.

The City has 90 days after receipt to accept proposals at the prices proposed, and for any period of time thereafter if the City requests, and the proposer agrees to an additional period of time.

The City shall determine as non-responsive any proposals submitted that are deemed not to meet the minimum requirements of the specification. The City reserves the right to waive any informalities, if deemed in the best interest of the City to do so.

The City reserves the right to make an award without conducting negotiations. However, if negotiations are deemed necessary, they will be conducted with all providers who have at least a minimally acceptable proposal as determined by the proposal evaluation committee. Once all negotiations are complete, if conducted, the City will give each provider the opportunity to submit a revised proposal in the form of a Best and Final Offer.

The City reserves the right to reject any and all proposals submitted, any part or section of any proposal, and to waive any informalities.

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The City follows a policy of non-discrimination. No contractor with the City should discriminate on the basis of race, sex, religion or national origin.

Proposals will be received by the Purchasing Agent, Room P-100 First Floor City Hall, 710 North 20<sup>th</sup> Street, Birmingham, AL 35203. Proposals must be received by 4:00 p.m. CDST, February 24, 2010. Proposals received after this time will not be considered.

An original and three (3) hard copies as well as one (1) digital copy of your proposal must be submitted in a sealed envelope, marked "**DRUG SCREENING SERVICES**" **4:00 p.m. CDST, February 24, 2010**. Proposals may be hand delivered to P-100 First Floor City Hall, Birmingham, AL 35203 or mailed to P. O. Box 11295, Birmingham, AL 35202-1295. **(DO NOT MAIL PROPOSALS TO P-100 CITY HALL)**. However, proposals sent by express carrier (i.e. Federal Express, Airborne, UPS, etc.) must be mailed to 710 North 20<sup>th</sup> Street and specify delivery to Room P-100 First Floor City Hall, Birmingham, AL 35203.

It is the proposer's responsibility to make sure that his proposal is in the possession of the Purchasing Agent on or before 4:00 p.m., CDST, February 24, 2010.

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W. E. Caffee, Assistant Purchasing Agent

yc  
Attachment  
B.N. 1/25/10

# **REQUEST FOR PROPOSAL FOR DRUG SCREENING SERVICES FOR THE CITY OF BIRMINGHAM**

## **Section I**

### **A. Purpose**

The City of Birmingham provides various public safety and other services to protect and support the citizens, business and community functions through out the City. Many of these services are public safety functions relating to health, safety and protection of property. The City is soliciting proposals from qualified providers for drug screening services to help ensure a alcohol/drug free work environment for its employees for the purpose of contracting for the best service offering at a competitive rate. Provider (proposer) must have the capability to invoice for services in Provider's own name. The City shall not accept invoicing by a third party.

### **B. Scope**

The City of Birmingham will require the selected provider to provide services 24 hours/day, 7 days/week, 52 weeks/year including holidays. The City will require the provider to conduct approximately 2017 random, post accident, reasonable suspicion, return to duty, and follow up drug tests and 124 alcohol tests annually. These quantities represent estimated usage and should not be considered guaranteed quantities.

The successful provider must meet the following minimum qualifications:

1. Certification by the U.S. Department of Health and Human Services (HHS) under the National Laboratory Certification Program. Provide copies of certification documents with your proposal.
2. DOT approved HHS laboratory certification standards for all testing required by 49CFR Part 40. Provide documentation with your proposal.
3. At least five (5) years experience performing the types of drug testing services specified.
4. Ability to provide services 24 hours/day, 7 days/week, 52 weeks/year including holidays, as scheduled by the City of Birmingham. Collectors shall be available on a 24/7 basis to cover scheduled and unscheduled tests. The successful provider shall outline how they will meet this requirement.
5. The provider shall be able to provide results under normal circumstances within three (3) calendar days (72 hours).
6. Ability to provide priority service to any employee brought in for reasonable suspicion testing. Describe process.

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7. The collection site (s) shall be local and convenient to most City of Birmingham facilities, employees and local applicants. Site (s) shall be clean and orderly in appearance. Identify and describe site (s).
8. Parking is to be adequate for large volume clients and easily accessible for large vehicles (i.e. Fire Engines, Dump Trucks, etc.). Provide detailed description of available parking capability.
9. Ability to provide substance abuse training for supervisors and employees in safety sensitive positions. The provider is to outline how this requirement will be accomplished and be prepared, if requested, to give a demonstration.
10. Electronic data transmission capability is essential. Describe your current capabilities.
11. Provider must be capable of providing detailed, itemized billing for all services provided. Provide sample invoice and describe billing process features.
12. Describe the type of information provided in standard reports and custom report capability.

### **C. City's Intent**

Providers are asked to submit a response to the RFP documenting the experience of their company and its assigned personnel. The City intends to award a contract to one provider to provide the drug screening services.

The City will enter into a contract, which it determines, after evaluation of all proposals, to be most favorable for the City. Contract award will be based on evaluation of the selection criteria set forth later in this RFP. The City reserves the right to select a provider and make an award to the provider determined to be the most advantageous to the City based on the City's evaluation criteria, or to make no award at all. The City anticipates that negotiations will be necessary; however, the City reserves the right to make an award without negotiations. If negotiations are initiated, they will be conducted with all providers still in the competitive range at the time negotiations may be deemed necessary.

### **C. RFP Procedures**

#### **1. Contacts & Queries**

For additional information or questions regarding this RFP contact the Purchasing Division - Phone (205) 254-2265 or fax (205) 254-2484.

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### **2. Amendment and Clarification Procedures**

Inquiries about this RFP must be received in writing by the Purchasing Agent mentioned above. Any questions or clarifications deemed to be of a significant nature will be answered by amendment to the RFP and will be available on the internet, and mailed to only those providers who were provided a copy in person or by mail. The City may delay the proposal receipt date if it deems necessary.

Any verbal clarifications provided by the City representatives shall not be binding on the City and shall in no way excuse the respondent from obligations as set forth in this RFP, or in any way amend the provisions of this RFP.

### **3. Submission Requirements**

Proposers should submit an original plus three (3) copies as well as one (1) digital copy of their proposal. Proposals shall be complete and address all the information listed in Section II of this document. Proposals and all conditions therein shall remain in effect for at least 90 days after the submittal deadline. The City reserves the right to request further proposal extensions after the initial 90 days. The City reserves the right to reject any proposal as non-responsive if it does not provide all data requested in Section II of this RFP.

### **4. Preparation of Proposals**

Responses to this RFP must be completed as mentioned above. Elaborate qualifications and brochures are not desired. Clear, concise, and orderly information is important. All pages shall be numbered consecutively. Proposals shall be included in binders with tabs to separate the information requested in Section II.

The provider is expected to respond to all items in Section II in as much detail as necessary for the City to make a fair evaluation of the providers proposal.

Responses which are incomplete, not properly signed, not accompanied by a \$500.00 proposal bond, or otherwise contrary to the guidelines of this RFP, may be deemed as non-responsive and rejected and will receive no further consideration.

### **5. Submittal Deadline for Responses**

Proposals must be received on or **before 4:00 p.m., February 24, 2010 CDST** at the following address:

**City of Birmingham  
710 20<sup>th</sup> Street North, Room P-100  
Birmingham, AL 35203**

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All proposals shall be submitted in sealed envelopes and clearly marked “Response to RFP for Drug Screening Services”. No proposals will be opened until after the submittal deadline. The City will return, unopened, any proposals received after the time and date specified.

### **6. Disposition of Proposals**

All proposals become the property of the city and will be returned only at the provider’s expense. In any event, one copy of each proposal will be retained for the City’s official files.

### **7. Proprietary Data**

If a proposal includes any proprietary data or information that the provider does not want disclosed to the public, such data or information must be specifically identified as “Proprietary” on each individual page which contains such information. Pages of the proposal that do not contain proprietary information should not be marked as such. Information marked as such will only be used by the City for the purpose of evaluating proposals and conducting contract negotiations.

All proposals, exclusive of pages designated “Proprietary” will become a matter of public record. Each provider agrees, by submitting their proposal, that the City Administration has the right to use any or all ideas or concepts presented, in any proposal, without restrictions and without compensation to proposer thereof.

### **8. Modification or Withdrawal of Proposals**

Any proposal may be withdrawn or modified by written request of the provider provided such request is received by the City prior to the submittal deadline. Modifications received after the deadline will not be considered. Withdrawal of proposals after the submittal deadline will cause the provider to forfeit their proposal bond.

### **9. Cost of Response Preparation**

The cost of preparing a proposal to this RFP will not be reimbursed to the proposers.

### **10. General Contract Requirements**

#### **a. Licenses**

All providers shall be licensed to do business in the State of Alabama and possess a current City of Birmingham business license.

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### **b. Taxes**

Municipalities are not liable for sales tax: reference Code of Alabama Section 40-23-4. Lease price must include all costs associated with the lease. Cost normally considered pass through costs (property tax, use tax etc.) to the customer by the provider must be included in the bid price (Code of Alabama Section 40-12-222).

### **c. Choice of Law**

Any contract resulting from this RFP shall be governed in all respects by the laws of the State of Alabama, Jefferson County, and the City of Birmingham.

### **d. Negotiations**

The City reserves the right to negotiate with the successful provider any terms and conditions which may be necessary or appropriate to accomplish the purpose and scope of the RFP; however, the City reserves the right to make an award without conducting negotiations.

### **e. Best and Final Offers (BAFO)**

If negotiations are conducted, once negotiations are completed, BAFO's will be requested. At this time providers will have the opportunity, if they so desire, to revise their proposal to include the compensation being offered to the City.

### **f. Non appropriation of funds**

Any agreement entered into shall have a clause that addresses the non-appropriation of funds for any fiscal year following the initial fiscal year contract term similar to:

In the event no funds or insufficient funds are appropriated and budgeted in any fiscal year for service charges under this Agreement, then the City shall immediately notify provider or its assignee of such occurrence and this Agreement shall terminate on the last day of the fiscal period for which appropriations were received without penalty or expense to the City of any kind whatsoever, except as to service charges or portions of service charges herein agreed upon for which funds shall have been appropriated and budgeted or are otherwise available. In the event of such termination, the City agrees to peaceable surrender use of the services to provider or its assignee on the date of such termination.

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Notwithstanding the foregoing, the City agrees (I) that it will not cancel this Agreement under the provisions of this Addendum if any funds are appropriated to it, or by it, for the acquisition, retention, or operation of the drug screening services or services similar to the drug screening services for the fiscal period in which such termination occurs or the next succeeding fiscal period thereafter, and (II) that the City shall not, during the term of this Agreement, give priority in the application of funds to any other functionally similar drug screening services. This paragraph shall not be construed so as to permit the City to terminate this Agreement to acquire any other drug screening service or to allow funds directly or indirectly to perform essentially the same application for which the provided drug screening services are intended.

### **g. Early Termination**

The City reserves the right to cancel the contract with thirty (30) days written notice and seek new bids/proposals at any time for cause or convenience. Cause may be defined as, but not limited to, failure to satisfactorily continue to meet the minimum qualification requirements/capabilities outlined in this document. Cancellation for cause will result in the provider being deemed non-responsible and may result in the rejection of any future bids/proposals by the provider.

### **h. Assignment**

Successful provider shall not assign this contract to any other party without prior written approval of the City of Birmingham.

### **i. Non-Exclusive**

Bids may be solicited for any item included in this contract where an immediate/emergency need exists, including large quantities. The decision of the Purchasing Agent as to what constitutes a biddable situation shall be final and shall not be construed as a breach of contract.

### **j. Contract Time Frame**

The base contract shall be for a period of three (3) years with an option for two independent one year term extensions for a fourth and fifth year upon mutual agreement of both parties.

Other contract time options may be proposed, but none shall exceed five years total.



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### **k. Insurance**

The successful provider shall carry general liability insurance (either primary or a combination of primary and umbrella coverage) with limits of not less than \$1,000,000.00 total with a maximum of \$1,000,000.00 for each occurrence and shall include, but not be limited to, personal injury, property damage, vandalism, property loss and theft. The successful provider shall also carry automobile liability insurance with limits of not less than \$1,000,000.00 bodily injury per occurrence, \$1,000,000.00 property damage with combined single limit of \$1,000,000.00. Party shall carry Workman's Compensation coverage in an amount adequate to comply with the statutory requirements. Such policies shall name the City of Birmingham as an additional insured and shall contain an endorsement providing that the City will be given not less than thirty (30) days notice in writing prior to cancellation or change of coverage provided by said policies. Insurance shall be through companies authorized to do business in the State of Alabama. Certificate of insurance must be presented to the City within ten (10) days of notice of award and prior to commencement of any work. Successful provider is required to include the proposal number on the evidence of insurance document. Policies that state the company will endeavor to provide thirty (30) days notice prior to cancellation or change of coverage, but failure to do so shall impose no obligation or liability of any kind upon the insurer, its agents or representatives are not acceptable. Insurance shall be through companies authorized to do business in the State of Alabama with a B+ rating or better according to the most current edition of Best's Insurance Reports. Provider is to provide written documentation of the company's rating with the proposal.

### **l. Indemnity**

After the award, the successful provider shall assume all liability for and shall indemnify and save and hold harmless the City of Birmingham and all of the officers, directors, agents, and employees of the aforementioned entities from all damages and liability for injury to any person or persons, and injury to or destruction of property, including the loss of use thereof, by reason of an accident or occurrence arising from operations under the contract, whether such operations be by the successful provider or by any subcontractors or by anyone directly or indirectly employed by either of them, occurring on or about the premises or the ways and means immediately adjacent, during the term of the contract or any extension thereof, and shall also assume the liability for injury.

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## **11. Evaluation and Selection Procedures**

The City of Birmingham will evaluate provider's proposals based upon technical capability, site location (s), account management/administration, and cost. The following ranking indicates the priority and weight of each of these evaluation criteria elements:

	Rating value
1. Technical	30%
2. Site	25%
3. Account Management/Administration	20%
4. Cost	25%

All proposals will be evaluated by an evaluation team consisting of several members of the City of Birmingham's Personnel Department along with other appropriate City administrative staff. The Purchasing Agent and a representative of the Law Department will be members of the evaluation team as advisors only. The provider or providers deemed to have proposals within the competitive range will be contacted for negotiations, if negotiations are deemed necessary. Once negotiations and BAFO's are completed, the evaluation team will make a recommendation to the Mayor. After the Mayor's approval, the Purchasing Agent and Law Department will prepare the necessary resolution for City Council's authorization for the Mayor to sign the contract.

## **D. Selection Criteria**

### **1. Development of Short List**

Selected providers will be placed on a short list by the evaluation team according to the quality and responsiveness of their proposals. Proposals, which are not placed on the short list, will receive no further consideration. The City reserves the right to short-list any number of providers based on the merits of their proposals. Each provider's proposal may be selected for the short list after being reviewed for completeness and adherence to format. A proposal will be considered complete if all requested sections as outlined in Section II below are addressed and in the proper order.

### **2. Formal Evaluation of Short Listed Vendors**

- a.** The evaluation team will grade each short listed provider's proposal based on its' merits. Responses will be evaluated in light of the material actually provided and not on the basis of what is inferred. The evaluation process may include verification of references, verification of project team resumes, confirmation of financial information, and may also include site visits or other information as directed by the City.

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## **b. Notification**

The City will make a public notice as per the law and notify all the short listed firms of the eventual notice of the award.

## **Section II Vendor Proposal Guidelines**

### **A. Table of Contents**

### **B. Executive Summary**

### **C. Provider's Qualifications**

#### **1. Profile Data**

a. Provider's Name and Address

b. Name, Title, Phone and Fax Number of Two Contact People

c. Type of Entity

Discuss the type of entity your company represents (i.e., corporation, partnership, etc.), and whether your company is the parent company, a division, subsidiary, or branch office of another entity.

d. Provider's Philosophy

Discuss what you believe distinguishes your company in the industry.

e. Federal Employee Identification Number

f. Statement of Provider's Compliance with this RFP

Provide a signed statement from an authorized officer of the firm stating that any related contracts with the City will comply with criteria defined in this RFP, and that all material, dates and conditions contained in the provider's proposal to this RFP shall remain in effect for at least 90 days.

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**2. Capability of Provider**

- a. Number of years in business.
- b. Provide a list of at least five references (of a similar size and contract make up as being requested in this proposal) currently using the Drug Screening Services included in this proposal. Each reference must include: name and contact information, contact person and phone number – fax number – email address.

**D. Technical Information**

Provide a detailed description of the drug screening services proposed. Itemize each service and provide detailed description of the service.

**E. Pricing**

Provide unit prices for each component of the drug screening services plus any and all monthly service costs/charges associated with the service. The City will not pay for charges not specifically itemized and/or addressed in this proposal.

**NOTE: Proposal must be signed by an official with authority to bind the provider contractually. The original proposal must have original signature. The name and title of the individual signing the proposal shall be typed immediately below the signature.**

Successful provider acknowledges and agrees that the City has the right to deduct from total amount of consideration to be paid, if any, to the successful provider under this agreement all unpaid, delinquent, or overdue license fees, taxes, fines, penalties and other amounts due the City from the successful provider.

**City of Birmingham must have a copy of the successful provider's current City of Birmingham business license prior to formal award of contract. Each provider may submit a copy of his/her license along with his/her proposal. However, provider must provide a copy of his/her current business license no later than 7 working days of receipt of notice of intent to award. Failure to submit the requested information will result in the notice of intent to award being revoked.**

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I hereby certify that we do not discriminate in employment of our personnel against any persons on account of race, creed, color, sex, or national origins, and acknowledges and agrees that the City encourages minority - and women – owned business participation to the maximum extent possible. This policy includes Historically Underutilized Business Enterprises such as architectural firms, engineering firms, investment banking firms, other professional service providers, and construction contractors as part of the City’s business, economic and community revitalization programs.

**Vendor:** \_\_\_\_\_

**Contact Person:**\_\_\_\_\_ **Title:**\_\_\_\_\_

**E-Mail:**\_\_\_\_\_

**Phone:**\_\_\_\_\_ **Fax:**\_\_\_\_\_

**Business Address:**\_\_\_\_\_

**City:**\_\_\_\_\_ **State:**\_\_\_\_\_ **Zip**\_\_\_\_\_

**Signature:**\_\_\_\_\_

**Name:**\_\_\_\_\_

**(Type or Print)**

**Date:**\_\_\_\_\_

**Complete and return this page with your proposal.**

ap2lmy3lje.r1

Recommended By: The Mayor

Submitted By: The Mayor

RESOLUTION NO. 598-09

WHEREAS, the City finds that it is desirable and necessary to maintain transparency in city government; and

WHEREAS, subject to federal and state laws, the City has the right to refuse to do business with persons and entities which fail to comply with this policy of transparency;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Birmingham that, subject to federal and state law, effective immediately and with the exception of contracts and transactions governed by existing state competitive bid laws, all individuals, agencies, non-profits, partnerships, corporations, limited liability companies, and other groups or entities seeking to do business with the City, provide services to the City, enter into a contract or appointment with the City, or obtain funding of any sort from the City (hereinafter referred to jointly as "Applicants") are hereby required to complete the *Transparency in City Government Disclosure Form* ("Form") on file in the City Clerk's office prior to entering into any contract or agreement with or accepting any appointment or funds from the City. Any Applicant which fails to accurately and satisfactorily complete the Form may be prohibited from receiving City funds and from entering into an appointment, agreement or other contract with the City. Forms shall be available for pickup in the City Clerk's office - Third Floor City Hall. Applicants shall deliver completed Forms to the Mayor's Office, Third Floor City Hall - Attention: Internal Audit and Contract Compliance Division. Copies of relevant completed Forms shall be submitted to the City Council or the appropriate Council Committee prior to consideration of applicable contracts, appointments and budget requests.

Adopted by the Council of the City of Birmingham April 22, 2009 and Approved by the Mayor April 28, 2009

  
City Clerk 

NOTE: Copy of the completed Transparency in City Government Disclosure Form can be submitted with your proposal.

**TRANSPARENCY IN CITY GOVERNMENT DISCLOSURE FORM**

**APPLICABLE TO ALL CITY CONTRACTS AND APPOINTMENTS  
NOT GOVERNED BY STATE COMPETITIVE BID LAWS**

**INSTRUCTIONS:**

This form must be fully completed by each individual, firm, group, agency, non-profit and other entity (hereinafter referred to as "you" or "Applicant") seeking to do business with the City, provide services to the City, enter into a contract or appointment with the City, or apply for City funding.

Submit completed forms to the *Mayor's Office, Third Floor City Hall – Attention: Internal Audit and Contract Compliance Division*. Answer all questions applicable to you. Respond "Not applicable" or "NA" if a question does not apply to you. Attach additional pages if needed. Completed forms will be submitted to the Birmingham City Council along with the Applicant's proposed contract, appointment and/or funding request.

- 
1. Name of Applicant:
  2. Physical Street Address of Applicant:
  3. Mailing Address of Applicant (if different from street address):
  4. Phone Number of Applicant:
  5. Key Contact Person for Applicant:
  6. Identify all officers, directors, owners, substantial investors in (5% or more of Applicant's stock) and partners of the Applicant:
  7. Are any of these persons City employees?

*City of Birmingham Transparency in City Government Disclosure Form*

8. Are any of these persons related by blood or by marriage to City officials or employees? If yes, list all pertinent relationships.
9. Identify all key employees or personnel of the Applicant:
10. Are any of these persons City employees?
11. Are any of these persons related by blood or by marriage to City officials or employees? If yes, list all pertinent relationships.
12. Has the Applicant ever received City funding, entered into a contract or appointment with the City, or provided services to the City?
13. If you answered "Yes" to Question No. 12 :
  - a) State the amount of funds received or amount of the contract or appointment.
  - b) Describe in detail the work performed, scope of appointment, or purpose for which the funds were used, and attach supporting documentation such as receipts and invoices.
  - c) Attach a copy of the contract or appointment.
14. Attach resumes of Applicant's key personnel.
15. Attach Applicant's articles of incorporation if applicable.



*City of Birmingham Transparency in City Government Disclosure Form*

16. Attach Applicant's 501(c)(3) letter from Internal Revenue Service if applicable.
17. Describe in detail the work Applicant seeks to perform for the City.
18. Identify all sources and amounts of public funding (federal, state and local) the Applicant has received within the past three (3) years.
19. Has the Applicant ever been suspended or barred from participating in federal contracts or other federal assistance? If yes, explain.
20. Has any individual associated with the Applicant ever been suspended or barred from participating in federal contracts or other federal assistance? If yes, explain.
21. During the past three (3) years, has Applicant retained, hired or paid any lobbyist, political consultant or attorney to assist Applicant in its bid to perform work for the City or obtain a City contract, appointment or funding? If yes, identify by individual name, firm name, address and telephone number any such lobbyist, political consultant or attorney.

*City of Birmingham Transparency in City Government Disclosure Form*

22. Identify any business or firm in which:

- a) The Applicant or its key personnel owns 5% or more of the stock;
- b) The Applicant or its key personnel serves as an officer or director;
- c) The Applicant or its key personnel is a partner.

**Applicant's failure to file a Transparency in City Government Disclosure Form is punishable by state or local law to the maximum allowed by law and subject to any federal penalties required by the U.S. Code Annotated.**

**I declare under penalty of perjury that the Applicant's answers to each and every question on the City of Birmingham Transparency in City Government Disclosure Form are true and correct:**

\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**Print Name**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Title/Position with Applicant**